

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
UNITED STATES OF AMERICA,  
:  
Plaintiff,  
:  
-against-  
:  
FRANCES COBIAN,  
:  
Defendant.       :  
-----X

**TO THE HONORABLE LORETTA A. PRESKA, U.S.D.J.:**

Plaintiff seeks entry of a default judgment against defendant. The basis for plaintiff's application is defendant's failure to respond to plaintiff's complaint seeking recovery from defendant on a defaulted student loan. The complaint was filed on August 5, 2008. Defendant was served with the summons and complaint when a process server affixed a copy to the door of her residence on August 20, 2008, and mailed another copy to her residence. (See Decl. of Assistant U.S. Att'y Kathleen A. Zebrowski, executed Sept. 11, 2008 ("Zebrowski Decl.") ¶ 4; Pl.'s Mem. of Law, Ex. A). Plaintiff served its application for an order to show cause for a default judgment on defendant via mail on September 25, 2008. (Certificate of Service by Assistant U.S. Att'y Kathleen A. Zebrowski, dated Sept. 25, 2008).

This court issued an order on October 2, 2008, requiring defendant to respond to plaintiff's application by October 13,

2008. She has not done so.

Plaintiff asserts that defendant has failed to answer the complaint or otherwise appear in this case (Zebrowski Decl. ¶ 5), and we take these unopposed representations of plaintiff regarding the non-response of defendant as true. (See also Clerk's Certification, dated Sept. 11, 2008). Under these circumstances, plaintiff is entitled to the entry of a default judgment in the amount specified in its statement of judgment, \$3,984.06.

For these reasons, we recommend that a default judgment be entered in favor of plaintiff and against defendant Frances Cobian in the amount of \$3,984.06.


Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies to be delivered to the chambers of the Honorable Loretta A. Preska, Room 1320, 500 Pearl Street, New York, New York 10007-1312 and to the chambers of the undersigned, Room 1670, 500 Pearl Street, New York, New York 10007-1312. Failure to file timely objections may constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. See Thomas v. Arn, 474 U.S. 140, 150 (1985), reh'g denied,



474 U.S. 1111 (1986); Small v. Sec'y of Health and Human Services,  
892 F.2d 15, 16 (2d Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ.  
P. 72, 6(a), 6(d).

DATED: New York, New York  
October 27, 2008

Respectfully submitted,



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MICHAEL H. DOLINGER  
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Report and Recommendation have been mailed  
today to:

Kathleen Ann Zebrowski, Esq.  
U.S. Attorney's Office  
86 Chambers Street  
New York, NY 10007

Frances Cobian  
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